

May 22, 2003

FACT SHEET

PROPOSED RULE TO REMOVE METHYL ETHYL KETONE (MEK) FROM REGULATION AS A TOXIC AIR POLLUTANT

ACTION

- The Environmental Protection Agency (EPA) is issuing a proposed rule that would remove methyl ethyl ketone (MEK) from the list of toxic air pollutants the Agency is required to regulate under the Clean Air Act.
- After extensive review, EPA has concluded that potential outdoor exposures to MEK may not reasonably be anticipated to cause human health or environmental problems.
- MEK is used as a solvent in the surface coatings industry, specifically in manufacturing vinyl lacquers, nitrocellulose lacquers and acrylics. Industries also use MEK for producing adhesives, magnetic tapes, printing inks, degreasing and cleaning fluids, as a dewaxing agent for lubricating oils and as an intermediate in the production of antioxidants and perfumes.
- MEK also occurs naturally and has been identified as a natural component of several foods.
- EPA has reviewed MEK exposure and health effects in response to a petition from the American Chemistry Council (formerly the Chemical Manufacturer's Association), and has completed an analysis to determine if there were grounds to grant petition.
- EPA's proposal would remove MEK from a list of 188 air toxics for which EPA is required to develop national, technology-based emissions control standards. However, MEK emissions still would be reported as part of the Toxics Release Inventory, as required by the Emergency Planning and Community Right-to-Know Act of 1986 and the Pollution Prevention Act of 1990.
- In addition, MEK would continue to be regulated as a volatile organic compound, because of its contribution to the formation of ground-level ozone (smog). Facilities emitting MEK in areas not meeting national air quality standards for ozone would be subject to volatile organic compound emissions limits through other Clean Air Act programs.
- EPA will take public comment for 90 days following Federal Register publication of the proposed rule. The Agency will hold a public hearing on the proposal if it receives requests within *60 days* of publication.

BACKGROUND

- The Clean Air Act requires EPA to regulate 188 compounds that are listed as toxic air pollutants.
- The law allows EPA to consider petitions to modify the list, by adding or removing substances. To date, EPA has removed only one pollutant, caprolactam, from the air toxics list (1996). The Agency denied a petition to remove methanol from the air toxics list in 2001.
- Any person may petition EPA to modify the air toxics list by adding or removing one or more substances. Petitioners seeking to remove a substance must demonstrate that there are adequate data to determine that emissions, outdoor concentrations, bioaccumulation, or atmospheric deposition of the substance may not reasonably be anticipated to damage human health or the environment.
- Once EPA receives a petition, it conducts two reviews: a completeness review, to determine whether there is sufficient information on which to base a decision; and a technical review, to evaluate the merits of the petition.
- During the technical review, EPA considers both information contained in the petition and information received from the public to determine whether the petition satisfies the requirements of the Clean Air Act. Once that comprehensive review is complete, EPA decides whether to propose removing the substance from the air toxics list.
- EPA will base its final decision on whether to delist MEK based on the public comments received on this proposal and any additional information that becomes available.
- The American Chemistry Council submitted its original petition in November 1996 and provided additional materials in August 1998. At that time, EPA deemed the petition sufficiently complete to support a technical review of the human health and environmental effects associated with sources emitting MEK. EPA has been conducting the technical review since that time.
- In July 1999, EPA published a Federal Register notice announcing that the petition was complete and requesting technical information on the toxicity and health effects of MEK. EPA received fewer than 20 comments in response to this announcement.

FOR MORE INFORMATION

- Copies of the original petition and its supporting information are available for public inspection and copying at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Comments should be mailed to: Air and Radiation Docket and Information Center (6102T), Attention Docket Number A-99-03, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- For further information including the proposed rule and the Federal Register notice once published, go to EPA's web site at <http://www.epa.gov/ttn/oarpg>.